

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

NATIONAL RIFLE ASSOCIATION OF  
AMERICA,

*Plaintiff and Counter-Defendant,*

and

WAYNE LAPIERRE,

*Third-Party Defendant,*

v.

Case No. 3:19-cv-02074-G

ACKERMAN MCQUEEN, INC.,

*Defendant and Counter-Plaintiff,*

and

MERCURY GROUP, INC., HENRY  
MARTIN, WILLIAM WINKLER,  
MELANIE MONTGOMERY, AND JESSE  
GREENBERG,

*Defendants.*

**DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S DOCUMENT PRODUCTION  
AND MOTION FOR SANCTIONS**

Ackerman McQueen, Inc. ("**AMc**"), Mercury Group, Inc. ("**Mercury Group**"), Henry Martin ("**Martin**"), William Winkler ("**Winkler**"), Melanie Montgomery ("**Montgomery**"), and Jesse Greenberg ("**Greenberg**") (collectively, "**Defendants**"), file the instant Motion to Compel and Motion for Sanctions against Plaintiff the National Rifle Association of America (the "**NRA**"). Accompanying this Motion is a Brief and Appendix In Support Thereof. In the Brief, Defendants set forth multiple violations of FEDERAL RULE OF CIVIL PROCEDURE 34 committed by the NRA and demonstrate the need to strike objections and compel the production of documents.

Also accompanying this Motion is a Motion for Leave to file certain exhibits under seal.

WHEREFORE, for good cause shown in the submissions filed with the Court, the Defendants request the following relief:

1. Overrule objections based on the Virginia Protective Order: RFPs 12, 13, 16, 17, 27, 51, 55, 56, 57, 58, 67, 70, 71, 72, 85, 101;
2. Overrule relevance objections to RFPs 1-13, 18-19, 22-23, 28-31, 35-36, 39-40, 42-44, 49, 51-54, 57-78, 81-84, 86, 88-91, 94, 97;
3. Overrule objections as to scope or burden for RFPs 11, 25, 33, 35-37, 41, 45-48, 50, 51, 53, 54, 61-63, 77, 82, 86, 147, 148;
4. Compel the NRA to produce a privilege log for each of the responses for which Plaintiff asserts attorney-client, work product, or other privilege, to include the following information for each document:
  - a. The document's date of creation;
  - b. The document's author;
  - c. The document's title or caption;
  - d. The addressee and each recipient;
  - e. The general purpose for creation of the document; and
  - f. The particular privilege relied upon, as set forth in *Weatherly v. Pershing LLC*, No. 3:14-CV-366-N-BG, 2015 U.S. Dist. LEXIS 187422, at \*9 (N.D. Tex. Oct. 16, 2015).
5. Compel the NRA to amend its responses to affirmatively state whether any responsive material has been withheld pursuant to any objections;
6. Compel complete production of documents within 10 days of the date of this Court's Order; and
7. Compel the NRA to produce within 15 days of the date of this Court's Order a list of custodians and search terms used to conduct the review necessary to perform the production.

Dated: February 26, 2020.

Respectfully submitted,

/s/ G. Michael Gruber

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ACKERMAN MCQUEEN, INC., MERCURY  
GROUP, INC., HENRY MARTIN, JESSE  
GREENBERG, WILLIAM WINKLER, AND  
MELANIE MONTGOMERY**

### **CERTIFICATE OF CONFERENCE**

On February 3, 2020, numerous counsel for Defendants conferred with counsel for Plaintiff regarding the deficiencies in Plaintiff's document production, objections, and responses to Defendants' requests for production. Despite numerous promises to produce documents and confer regarding the issues raised during the meet and confer conference, counsel for the NRA has refused to produce additional documents or withdraw its objections, necessitating the filing of this motion.

/s/ G. Michael Gruber

G. Michael Gruber, Esq.

### **CERTIFICATE OF SERVICE**

I hereby certify that on February 26, 2020, I filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas. I hereby certify that I have served the document on all counsel and/or pro se parties of record by a manner authorized by Federal Rules of Civil Procedure 5(b)(2).

/s/ G. Michael Gruber

G. Michael Gruber, Esq.